

M. Capen
THE 8140 f. 24
T R I A L
O F
R O G E R,
FOR THE
M U R D E R
O F

Lady Betty Ireland,

Late of *Medals-Town*, in the County
of *Bogland*,

On *Wednesday* the 23d of *March*, 1756.



D U B L I N:

Printed in the Year MDCCLV.

This Day is Published,

[Price, a *British* Six-pence.]

THE true LIFE of *BETTY IRELAND*;
with her Birth, Education, and Adventures.
Together with some Account of her elder Sister,
BLANCH of *BRITAIN*. Containing some
very curious Adventures.

‘ This Piece contains a humorous and enter-
taining Sketch of the connected History of *Eng-
land* and *Ireland*, somewhat in the Manner of
John Bull. One Part of the ingenious Author’s
Design seems to be the Removal of the vulgar
Prejudices entertained by the *English*, against
their Fellow-Subjects of *Ireland*.’

See *Monthly Review* for *January*, 1753.

In a few Days will be published,

A Few THOUGHTS on the TIMES. In
a Letter from a *Free-Citizen* of *Dublin*, to
his Friend in the *North*. Humbly offered to
every Lover of Truth and Justice.



THE
T R I A L
O F
R O G E R.

THE Court being sat, and Proclamation made to keep Silence, the Clerk of the Crown read :

‘ You are indicted, by the Name of *Roger*, of
‘ the *West-Riding*, Farmer, for that you, on the
‘ 15th Day of *February* last, in the 30th Year of the
‘ Reign of our Sovereign Lord the King, (whom
‘ God long preserve) did, wittingly, and of Malice
‘ aforehand, and not having the Fear of God be-
‘ fore your Eyes, conspire, and compass, the
‘ Death of Lady *Betty Ireland*, by giving her
‘ one mortal Wound, of which she died. How
‘ d’ye say? Guilty, or not guilty?’

Roger. Not guilty.

Clerk. How will you be tried?

Roger. By God and my Country.

Clerk. God send you a good Deliverance.

Attorney Gen. My Lord, I humbly contend,

A 2 that

that a more flagitious Murder was never brought before this honourable Court; a Murder, in whatever View we take it, that may be said to be a Murder, in all the Forms of a Murder: For *first*, there is a good charitable Lady murdered cruelly; And *secondly*, the said Lady died of the same: And *thirdly*, she has been very much wronged if she be not dead; for she was buried the 24th Instant. To prove all which, and a great deal more, *Crier*, call *Tom Double*.

L. C. J. Mr. *Double*, look on the Prisoner; d'ye know him?

Doub. Know him! ay, I have known him, Man and Boy, fifty Years, and better.

L. C. J. Did you know Lady *Betty Ireland*?

Doub. As well as the Beggar knows his Dish.

L. C. J. Do you know what's become of her?

Doub. My Lord, she was murdered the 15th past by the Prisoner at the Bar.

L. C. J. Tell the Court what you know of the Matter.

Doub. My Lord, being at my Country House for a Week or ten Days, thinking no Harm, and expecting every Day to hear from the Prisoner, and not hearing from him in all that Time, I suspected there was something in the Wind; and coming to Town, the first News I heard was, that, in my Absence, he had murdered the Lady, without letting me know any thing of it.

L. C. J. You seem to take it ill, *Mr. Double*, that you were not privy to the Fact.

Doub. Yes, my Lord; for I had certainly hindered the Fact, had I known, in Time, the Malice the Prisoner bore to the Lady: But he carried it so secretly, that I never suspected he had any Malice to her at all, till I heard what he had done the 15th past.

L. C. J. And pray, *Mr. Double*, from whom did you hear this Fact of the Prisoner?

Doub. From all the World, my Lord. I saw it in every News-paper. I believe, no body doubts it.

L. C. J. Proving is one Thing, and not doubting another. Did you converse with the Prisoner since the 15th of last Month?

Doub. No, my Lord, nor ever will, I value my Character more than that comes to; and, lest it should be thought I ever had any Kindness for him, I have been abusing him in all Companies ever since.

L. C. J. *Mr. Double*, come to some positive Evidence, either on your own Knowledge, or on Circumstance.

Doub. My Lord, the strongest Circumstance in the World is, that no body had so familiar Access to her as the Prisoner, who was admitted, at all Times, in private; and, as the Lady was

found murdered privately, it could be no body else.

L. C. J. Have you any more Circumstances to offer?

Doub. My Lord, all the Lady's Friends say he murdered her, and all her Enemies say so too; and what every Body says must be true.

Attorney Gen. My Lord, the next Evidence we produce is Mr. *David Tradewell*.

Bindon

L. C. J. Are you a Merchant, Mr. *Tradewell*?

Trade. Not, at present, a practical Merchant, my Lord.

L. C. J. Oh! a contemplative Merchant, I presume. Well, acquaint the Court with what you know of the Prisoner.

Trade. My Lord, as to the Fact with which he stands charged, I cannot say I was an Eye-witness of it; but I always believed he would, one Time or other, be the Death of the Lady, from the Malice I had long observed he bore her; and I not only told all my Acquaintance of it, but I writ a Book or two to warn her Friends of his Intentions, and the Necessity there was of getting him out of Favour with the Lady. I must observe to the Court, this Lady was naturally very obstinate, and very often disobliged her best Friends, by slighting their Advice; and the Prisoner so encouraged her in this Obstinacy, that,

that, about two Years ago, she provoked a Neighbour to such a Degree, that I expected, every Moment, to see her killed out-right; and, indeed, nothing could have hindered her Fate, but the extreme Goodness of her Neighbour, who has always returned Kindness for ill Usage, and is gentle though provoked, gives her good Advice if she would but take it, and, to my Knowledge, gives her Money, when she wants it, by Handfuls.

L. C. J. Hum! that is being very kind, but not to the Purpose you would prove.

Trade. I beg Pardon, my Lord; it shew'd great Malice in the Prisoner to stir up a Quarrel between the Lady and so good a Neighbour, and so powerful a Neighbour; one that could annihilate her, and but for me, and some other of her true and disinterested Friends, who interposed, had certainly done it on that Occasion: For, my Lord, I shewed in one of my Books how easily it might be done at the Twinkling of an Eye.

L. C. J. I perceive you had great Love for the Lady. Were they Books of Law you speak of?

Trade. Aye, my Lord, and Trade, and Navigation, and Money, and Subtraction, and Division.

L. C. J. Money! and Subtraction! and Division! a pleasant Science, that I believe. But

say, positively, what you know of the Fact, with which the Prisoner is charged.

Trade. I have said I knew nothing of the Fact; I only go on Supposes, and seeing the Prisoner had Malice to the Lady, it must be supposed he murder'd her, since murder'd she was, and no body else charged with it.

L. C. J. Mr. *Attorney*, you have charged Conspiracy in the Indictment.

Attorney Gen. My Lord, we shall go into the Conspiracy after producing another Evidence to the Fact. Call *Hercules Doelittle*.

L. C. J. Mr. *Doelittle*, inform the Court of what you know relating to this Issue. You seem to have an uncommon Degree of Concern in your Looks.

Doe. Yes, my Lord, I have long been apprehensive of the cruel Fate of the Lady, my near Relation, deceased; and was afraid, one Time or other, she would be brought to this End. I believe the Idea of Murder, Rapine and Desolation, to come on this Lady, might be strongly impressed on my Looks, as I'm sure it was on my Heart. I often spoke to her my Fears, and Dreads, and Suspicions, but she never minded me; and we see, my Lord, what's come of it. Had she taken my Advice any Time these four Years past, hanged up *Roger* and *Double*, and

Tony

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Tony West, and *Dick Weaver*, and the rest of the Gang, and kept none about her but me and Master *Attorney* there, and *Tradewell*, and other honest peaceable People, she had been still alive, and in good Plight; but it was her Destiny. She took Love Potions from *Roger*, and he requited her as we now see; stole privately to her Chamber, finished her at one Blow, and run away with her Plate and Jewels.

L. C. J. This is very material. You say, Mr. *Doelittle*, the Prisoner fled for the same?

Doe. Not quite fly, my Lord; for he was so heavy loaden with the Plate and other Things he carried off, that he could not go fast; and when I asked him how he came to rob the Lady, he smiled at it, and said, it was not half the Value of what she owed him for his Service; that she was never good Pay, and the like; and, indeed, my Lord, so far all her Friends agree. She gave by Handfuls to People did not love her, and we who have been waiting, and praying, and begging from her, and serving her too, are left in the Noggin. But, my Lord, by Virtue of my Oath the Prisoner is guilty.

L. C. J. That is in the Breast of the Jury, Mr. *Doelittle*. But as the Court is Council for the Prisoner, I must observe you are not at Liberty to prejudice the Jury, by giving new Matter in Evidence.

Evidence. The Prisoner is not indicted for Robbery; nor are you to invalidate a Witness till called on. Mr. *Double*, appears, as yet, a good Evidence.

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Doe. My Lord, he is under Sentence himself at the *Commission*, and only respited till he can bring a Character. *Dick Weaver* is acquitted, finding Security for good Behaviour; and *West* is brought in *Special*, and is believed will go again him.

L. C. J. Sir, have you any thing more to say? The Proceedings of another Court are no Rule for us.

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Attorney Gen. My Lord, next we lay the Conspiracy before the Court. Now, my Lord, Conspiracies are of two Sorts, Conspiracies proveable, and Conspiracies presumable. A presumable Conspiracy, is when we have Proof presumptive, that a Fact could not have been committed without the Advice, Privity, and Consent, of Persons, who, in the Nature of Things, must have had Opportunities of knowing every thing relative to the Fact; and as we shall prove that *Will* of the *Peak*, and *James* of the *Green*, had certain Knowledge of the Intentions of the Prisoner-----

L. C. J. Mr. Attorney, the Court cannot admit Presumptions to come in Aid of Circumstances; and as the Fact the Prisoner stands charged

charged with, rests only on Circumstances (as appears to me) if you have no other Evidence, I shall proceed to charge the Jury.

Gentlemen of the Jury,

You have heard the Evidence, and I shall not take up much of your Time in repeating it, but only make some Remarks to be a Direction to your Judgment. If you believe *Tom Double's* Evidence, the Prisoner is certainly guilty; for he swears without *Fear* at least, tho' I can't say without Wit; but his Cause of Knowledge is a little whimsical. He says, first, he is sure the *Prisoner* committed the Murder in question, because he was not by; now, a Murder might have been committed tho' he was not by, but his being absent is no Proof of it. Again, he does not prove any Malice aforethought, but rather acquits the Prisoner in that Article; and the Circumstance of the Prisoner's having familiar Access to the Lady in private, were a strong one, had he been indicted for a Rape, but is not, in my Opinion, enough to convict him of a Murder.

The next Evidence has told you he goes only on Supposes, and is not a *Matter of Fact Man*, but a *Figure Man*, and I know not what. He is positive, however, that the Prisoner is guilty, and would prove his Malice towards the Deceased;

ceased ; for that he encouraged her to affront and provoke a very near Neighbour and good Friend two Years ago, and enter into a Scuffle, or Quarrel, in which he, the Evidence, *expected* to see her killed. Indeed, his shewing the Way how she might be easily killed, may prove Malice, but you will judge whether or no the Malice was in the Prisoner ; for People may sometimes save their Lives by quarrelling, and though some Ladies are apt to be frightened, and will say, “ Save my “ Life and take all I have,” yet after they have surrendered *all they have*, Life is hardly worth keeping ; so it might be Prudence in the Prisoner to embroil her, and may be the saving of both Life and Credit.

Mr. *Doelittle*, the next Evidence, swears positively to the Fact, and if you believe him, you must find for the King. For my own Part, I shall not direct you in it, but only, he appears to me to be a little beside himself, and in much Trouble, and Apprehension, and Forebodings, of something or other, and runs out to foreign Matter, which I need not remind you of : So, *Gentlemen*, let Discretion guide you in your Verdict.

Cryer. A Verdict, a Verdict, God save the King.

Foreman. No, my Lord, we want to ask some Questions

Questions of the Court. Is *Double*, my Lord, a good Evidence, seeing he is under Sentence of another Court, and can't get a Character good enough to be transported on?

L. C. J. Sir, we have no Cognizance of what is done in other Courts, and this Court will not condescend to take Notice of the *Commission*, and their Proceedings.

Fore. My Lord, are we charged to try *Will* of the *Peak*, and *James* of the *Green*?

L. C. J. No, no, it is quite irregular to mention them in the Conspiracy; this Court has no Cognizance of them, let your *Commission* try them if they please; so, Gentlemen, go out again.

Cryer. A Verdict!

Fore. We find *Roger* guilty of *Man-slaught*, by killing *Lady Betty Ireland* in his own Defence.

L. C. J. This, Gentlemen, is a singular Verdict; whether you consider the Evidence, or the Indictment, you ought to have found it as laid; or else have acquitted the Prisoner; had you an Opinion of the Evidence, he is guilty; had you no Belief in them, he is acquitted.

Fore. Why, my Lord, as to the Evidence, we partly think they are no better than they should be; but what sticks with us is, that we were convinced the Prisoner was guilty before we heard the Evidence; and what need

need of any Evidence, when People are sure beforehand?

Council for the Prisoner. My Lord, I beg Leave to offer —

L. C. J. Sir, no Council, but the Court, can be allowed for the Prisoner; sit down.

Council. My Lord, I don't rise to say any thing in Favour of the Prisoner, but humbly to observe to the Court, that there is a *Nullity* in the Proceedings; it has not been given in Evidence that the Lady is dead, though it be laid in the *Indictment*.

L. C. J. How! Mr. *Attorney* ---- [*Here Double whispers the Attorney.*]

Council. My Lord, I desire there may be no whispering in Court. The Prisoner has a Right to hear every thing; and I suspect, my Lord, ----

Attorney Gen. My Lord, Mr. *Double* and I were only computing the Difference between a Life, and a Lease of thirty-one Years. But, *Cryer*, call *Ned Camomile*.¹⁰

L. C. J. Mr. *Camomile*, did you know Lady *Betty Ireland*?

Cam. Yes, my Lord, I have been many Years her chief Physician.

L. C. J. Have you seen her lately?

Cam. I am just come, my Lord, from seeing her take an Emetick I prescribed her.

L.

L. C. J. She is not dead then?

Cam. No, my Lord, nor likely to die. She had got a Giddiness in her Head for a few Days, and some Quacks had advised her to bleed plentifully, blister, and cup, and Trash; but I perceived it all arose from the Foulness of her Stomach, and she wanted no more but to throw off, as she did, a great deal of indigested Matter that produced Bile, and Choler, and the like.

An Arrest of Judgment. Here the Court broke up in great Confusion.

F I N I S.



Just Publish'd,

- I. **A** New Scheme for increasing the Protestant Religion, and improving the Kingdom of *Ireland*. With some occasional Observations on Heads of a Bill for a Register of popish Priests. Humbly offered to the Consideration of the Legislature. Price 6 d. $\frac{1}{2}$.

The Author of a Letter to the Farmer's Society, in the County of *Kildare*, published in the *UNIVERSAL ADVERTISER* of the 14th of *February* last, speaking of this Pamphlet, says, 'It is founded on solid and rational Principles, and so highly conducive to our civil and religious Interests, to the Propagation of our Species, and to the Welfare of the Species when propagated, exclusive of the Rigour of penal Laws, that I heartily wish it may obtain that Attention from those to whom it is addressed, which I really think it deserves.' --- And the Author of another Letter, published in *Williamson's Paper*, the 2d of *March* following, has these Words: 'Having examined the Book, I was surprized to find in it a Method not only quite new, but, in my Opinion, clearly demonstrated. In short, the ingenious Author's Arguments, Manner of Reasoning, and Simplicity of Stile, blend the *Utile Dulci*.'



- II. Advice to the Patriot Club of the County of *Antrim*, on the present State of Affairs in *Ireland*, and some late Changes in the Administration of that Kingdom. 2 d.
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